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DEC 30 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

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**BEFORE THE BOARD OF OIL, GAS, AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

LIVING RIVERS, a non-profit association,

Petitioner,

v.

DIVISION OF OIL, GAS AND MINING,

Respondent,

EARTH ENERGY RESOURCES, INC.

Intervenor/Respondent

DIVISION'S LIST

OF

POTENTIAL WITNESSES

Docket No. 2010-027

Cause No. M/047/0090A

The Utah Division of Oil, Gas and Mining, (Division), pursuant to the terms of the Stipulation of the Parties governing pre-hearing matters submits the following identification of potential witnesses.

1. Dana Dean, Associate Director of Mining, Division of Oil, Gas and Mining. Ms. Dean may be called as a witness to address issues regarding the minerals program, regulatory jurisdiction of the program, permit requirements and prior hearings regarding this permit application.

2. Paul Baker, Minerals Program Director, Division of Oil, Gas and Mining. Mr. Baker may be called as a witness to testify regarding the history of this permit application and provide an overview of the application review process, explain the permit requirements for a large mining operation, and provide a general description of the proposed mining operations.

3. Leslie Heppler, Mineral Program, Division of Oil, Gas and Mining. Ms. Heppler may be called as a witness or rebuttal witness to address the description of the proposed mine area and existing conditions, to explain her evaluation of the Notice of Intent (NOI) including pit design, materials handling, and potential for air quality impacts and ground and surface water impacts a result of the proposed mining operations.

4. Tom Munson, Minerals Program, Division of Oil, Gas and Mining. Mr. Munson may be called as a witness or rebuttal witness to testify regarding his review of the Notice of Intent (NOI) including review of pit design, proposed operations, the reclamation plan and the storm water control plan as they related to surface and ground water impacts and the reclamation plan for the mining operations.


5. Lynn Kunzler, Minerals Program, Division of Oil, Gas and Mining. Mr. Kunzler may be called as a rebuttal witness to address revegetation plans for the mine area.

6. Wayne Western, Minerals Program, Division of Oil, Gas and Mining may be called as a rebuttal witnesses if necessary to address the calculations of bonding costs.

All of the above listed proposed witnesses are employed at the Division's Offices located at 1594 West North Temple Street, Salt Lake City, UT 84116, telephone 801 538-5340

The Division may call additional witnesses in rebuttal as may be necessary based on the testimony of the Petitioner's witnesses. Rebuttal witnesses will be identified as soon as it is determined that they may be called to testify.

Respectfully submitted this 30th day of December, 2010.


Steve Alder, Assistant Utah Attorney General
Counsel for Division of Oil, Gas and Mining

CERTIFICATE OF MAILING

The Undersigned affirms that he did mail and email a true and correct copy of the
forgoing Division's List of Potential witnesses to the following persons and addresses on this 3rd

day of Jan 2011
~~December 2010~~

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